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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,316	10/17/2003	Fredrick J. Landram	TELN . P0200US	8879
7590 12/22/2005 Cynthia S. Murphy Renner, Otto, Boisselle & Sklar, LLP Nineteenth Floor 1621 Euclid Avenue Cleveland, OH 44115-2191			EXAMINER BAYARD, DJENANE M	
			ART UNIT 2141	PAPER NUMBER
DATE MAILED: 12/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/688,316

Applicant(s)

LANDRAM ET AL

Examiner

Djenane M. Bayard

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/20/04</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 7-10, 14-20 and 23-29 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S Patent Application No. 2004/0259533 to Nixon et al.

- a. As per claim 1, Nixon et al teaches a self-configuring communication networks for use with process control systems. Furthermore, Nixon et al teaches a method of transacting business in conjunction with a sale of mobile devices, the method comprising the steps of: shipping at least a first mobile device to a first end user and at least a second mobile device to a second end user different from the first end user, the first mobile device and the second mobile device having generally a same hardware and software configuration during shipping; maintaining on at least one server coupled to a network configuration data for a plurality of mobile devices; upon receipt of the first mobile device and the second mobile device by the first end user and the second end user, respectively, powering up the first mobile device and the second mobile device; and upon being powered up, the first mobile device and the second mobile device each automatically connecting to the at least one server via the network (See page 3, paragraph

[0029], *the wireless enabled field device is able to automatically establish communications via one or more wireless communication channels, paths or links with the controller*) ; downloading first configuration data and second configuration data, respectively, from the at least one server, the first configuration data and the second configuration data being generally different; and automatically configuring themselves based on the first configuration data and the second configuration data (See page 4, paragraph [0031], *the wireless communication interface within each of the wireless enabled filed devices may be configured to transmit and receive information (process control information, loading information...etc)* and See pages 5-6 paragraph [0043]).

b. As per claim 9, Nixon et al teaches maintaining configuration data on a server coupled to a network, the method comprising the steps of: storing in memory on the server different configuration data for a plurality of different mobile devices (See page 9, paragraph [00714], *the database stores process control information, control parameters, configuration information*); the server receiving, via the network, requests for the different configuration data from the different mobile devices (See page 9, paragraph [0068], *the wireless field device announces its presence by periodically or continuously broadcast one or more message indicating its presence*), respectively; and the server providing, via the network, the different configuration data to the different mobile devices, respectively (See page 9, paragraph [0069], *the wireless device receives a commissioned request that include storage and activation of control strategies, parameters...etc*).

c. As per claim 14, Nixon et al teaches a self configuring mobile device, comprising: a

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discovery module for discovering device specific information on a wireless computer network (See page 9, paragraph [0068], *the wireless device broadcast message that contains field device identification information*); a communication module for transmitting data to and receiving data from the wireless computer network, wherein the communications module obtains device specific information from the discovery module to establish a communications link to at least one device (See page 5, paragraph [0042], *upon initial installation of each of the wireless enabled field device, each of the device initially identifies available communication channel, paths or links by which communication with the controlled may be established*); an update module operatively coupled to the communications module for querying the at least one device to obtain a configuration update (See page 9, paragraph [0068], *the broadcast message contain field device identification information*) ; and a configuration module for configuring the mobile device, wherein the configuration module implements the configuration update to configure the mobile device to a custom configuration (See page 9, paragraph [0069], *the wireless device receives a commissioned request that include storage and activation of control strategies, parameters...etc that are downloaded and stored within the wireless enabled field device*)

d. As per claims 2 and 10, Nixon et al teaches the claimed invention as described above. Furthermore, Nixon et al teaches wherein the step of maintaining configuration data for a plurality of mobile devices includes the steps of: storing in memory on the server an identification code for uniquely identifying each mobile device; wherein the configuration data corresponds to the identification code (See page 9, paragraph [0071]).

e. As per claim 3, Nixon et al teaches the claimed invention as described above.

Furthermore, Nixon et al teaches wherein the step of automatically connecting to the at least one server includes the steps of: transmitting to the server an identification code of the respective mobile device; and retrieving by the server configuration data based on the transmitted identification code (See page 9, paragraph [0071]).

f. As per 7, Nixon et al teaches the claimed invention as described above. Furthermore, Nixon et al teaches configuring the mobile device manually in the event of a failure of the automatic configuration. (See page 3, paragraph [0028] and 6, paragraph [0046]).

g. As per claim 8, Nixon et al teaches the claimed invention as described above. Furthermore, Nixon et al teaches wherein the step of configuring the mobile device manually further comprises the steps of: creating encrypted data, wherein the encrypted data includes an identifier, a time/date window, and configuration data; entering the encrypted data into the mobile device; verifying that the identification code and the time/date window relative to the particular mobile device; and using the configuration data to configure the mobile device, wherein the configuration is conditioned upon the verification of the identifier and the time/date window (See page 6, paragraph [0047]).

h. As per claim 15, Nixon et al teaches the claimed invention as described above. Furthermore, Nixon et al teaches a user input module for entering data corresponding to the configuration of the mobile device (see page 10, paragraph [0075]).

i. As per claim 16, Nixon et al teaches the claimed invention as described above.

Furthermore, Nixon et al teaches wherein the user input module is a keypad (See page 10, paragraph [0075])

j. As per claim 17, Nixon et al teaches the claimed invention as described above.

Furthermore, Nixon et al teaches wherein the user input module is a bar code reader (See 10, paragraph [0075])

k. As per claim 18, Nixon et al teaches the claimed invention as described above.

Furthermore, Nixon et al teaches wherein the self configuring mobile device initially is configured in a generic state (See page 18, paragraph [0075]).

l. As per claim 19, Nixon et al teaches the claimed invention as described above.

Furthermore, Nixon et al teaches at least one system backbone; at least one host computer coupled to the system backbone; a wireless remote station coupled to the at least one system backbone; and the self configuring mobile device of claim 14, wherein the self configuring mobile device and the at least one host computer are operatively configured to wirelessly communicate configuration information there between, and the self configuring mobile device changes a first configuration setting to a second configuration based on a plurality of configuration data received from the at least one host computer, said second configuration setting

being specific to a particular environment (See page 5, paragraphs [0038-0042]).

m. As per claim 20, Nixon et al teaches the claimed invention as described above.

Furthermore, Nixon et al teaches a local station coupled to the at least one system backbone and to at least one remote communication link, wherein the wireless remote station is coupled to the at least one system backbone through the remote communication link and the local station (See page 5, paragraph [0042]).

n. As per claim 23, Nixon et al teaches the claimed invention as described above.

Furthermore, Nixon et al teaches wherein the local station and the wireless remote station are routers (See page 2, paragraph [0011]).

o. As per claim 24, Nixon et al teaches the claimed invention as described above.

Furthermore, Nixon et al teaches wherein the environment is a computer network (See page 3, paragraph [0029]).

p. As per claim 25, Nixon et al teaches the claimed invention as described above.

Furthermore, Nixon et al teaches wherein the environment is a computer management system for managing business operations (See page 1, paragraph [0002]).

q. As per claim 26, Nixon et al teaches the claimed invention as described above.

Furthermore, Nixon et al teaches wherein the at least one host computer includes a memory and



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a database stored in the memory (See page 9, paragraph [0070])

r. As per claim 27, Nixon et al teaches the claimed invention as described above.

Furthermore, Nixon et al teaches wherein the database comprises: an identification entry for uniquely identifying each self configuring mobile device in the system; and a configuration entry for specifying the configuration of the self configuring mobile device, wherein the configuration entry corresponds to the identification entry (See page 9, paragraph [0070]).

s. As per claim 28, Nixon et al teaches the claimed invention as described above.

Furthermore, Nixon et al teaches wherein the identification entry is a device serial number (See page 9, paragraph [0070]).

t. As per claim 29, Nixon et al teaches the claimed invention as described above.

Furthermore, Nixon et al teaches wherein the database further comprises a registration data entry and a device capabilities entry (See page 9, paragraphs [0066 and 0070]).

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-6, 11-13 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. U.S Patent Application No. 2004/0259533 to Nixon et al in view of U.S. Patent Application No. 2004/0137890 to Kalke.

a. As per claims 4 and 11, Nixon et al the claimed invention as described above. However, Nixon et al fails to teach wherein teaches a gateway for establishing remote communications between each mobile device and the server.

Kalke et al teaches an automated activation. Furthermore, Kalke et al teaches wherein the mobile wireless device connects to a gateway (See page 5, paragraph [0082]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Kalke et al in the claimed invention of Nixon et al in order to provide a link between the wireless network and the server (See page 5, paragraph [0079]).

b. As per claims 5, 12 and 21, Nixon et al in view of Kalke et al teaches the claimed invention as described above. However, Nixon et al fails to teach wherein the gateway is an internet connection.

Kalke et al teaches wherein the gateway is an internet connection (See page 5, paragraph [0079 and 0082]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Kalke et al in the claimed invention of Nixon et al in

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order to provide a link between the wireless network and the server (See page 5, paragraph [0079]).

c. As per claims 6, 13 and 22, Nixon et al in view of Kalke et al teaches the claimed invention as described above. However, Nixon et al fails to teach wherein the gateway is an intranet connection.

Kalke et al teaches wherein the gateway is an intranet connection (See page 5, paragraph [0079 and 0082]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Kalke et al in the claimed invention of Nixon et al in order to provide a link between the wireless network and the server (See page 5, paragraph [0079]).

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Application No. 2004/0203955 to White discloses an embodiment that includes a mobile communication device that automatically receives signals indicating predetermined events, and automatically takes actions in response to the events

U.S. Patent application No. 2002/0029256 to Zintel et al teaches a universal plug and play (UPNP) device that makes itself known through a set of processes-discovery, description, control, eventing and presentation.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Djenane Bayard

Patent Examiner

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